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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,308	07/10/2003	Denis E. Hassick	7502 CO2	3587
49459 NALCO COM	7590 06/12/2007 PANY	EXAMINER		
1601 W. DIEHL ROAD			METZMAIER, DANIEL S	
NAPERVILLE, IL 60563-1198			ART UNIT	PAPER NUMBER
		·	1712	
			MAIL DATE	DELIVERY MODE
			06/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Assistant Commencer	10/617,308	HASSICK ET AL.
Office Action Summary	Examiner	Art Unit
	Daniel S. Metzmaier	1712
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with t	he correspondence address
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION  36(a). In no event, however, may a reply will apply and will expire SIX (6) MONTHS cause the application to become ABANI	FION. be timely filed from the mailing date of this communication. DONED (35 U.S.C. & 133).
Status		
Responsive to communication(s) filed on <u>30 M</u> .      This action is <b>FINAL</b> . 2b) ☑ This      Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final.  nce except for formal matters	•
Disposition of Claims	•	
4)  Claim(s) 51 is/are pending in the application.  4a) Of the above claim(s) is/are withdray  5)  Claim(s) is/are allowed.  6)  Claim(s) 51 is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) are subject to restriction and/or  Application Papers  9)  The specification is objected to by the Examinet  10)  The drawing(s) filed on is/are: a) access applicant may not request that any objection to the of Replacement drawing sheet(s) including the corrections.	r election requirement.  r.  epted or b)  objected to by the drawing(s) be held in abeyance. ion is required if the drawing(s) i	See 37 CFR 1.85(a). s objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Ex	aminer. Note the attached Of	fice Action or form PTO-152.
Priority under 35 U.S.C. § 119		
<ul> <li>12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents</li> <li>2. Certified copies of the priority documents</li> <li>3. Copies of the certified copies of the prior application from the International Bureau</li> <li>* See the attached detailed Office action for a list of the certified copies.</li> </ul>	s have been received. s have been received in Appli ity documents have been rec (PCT Rule 17.2(a)).	cation No eived in this National Stage
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 7/10/2003	4)  Interview Sumr Paper No(s)/Ma 5)  Notice of Inform 6)  Other:	ail Date
•	, <del></del>	·

#### **DETAILED ACTION**

Claim 51 is pending.

### Allowable Subject Matter

1. The indicated allowability of claim 51 is withdrawn in view of the consideration of the record anew and the references of record. Rejections based on the new issues follow.

## Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the first paragraph of 35 U.S.C. 112:
  - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 3. Claim 51 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The concentration of the phosphorous acid set forth in claim is not *ipso verba* set forth in the original disclosure, appear to be calculated values, and/or are unsupported. Applicants' stated basis for the limitations does not include: (1) the concentrations as claimed for phosphorous acid is not the same as those for phosphoric. Specific attention is directed to page 8, lines 16-18, wherein a commercial phosphoric acid solution is disclosed at 85 wt % in water as compared to 50 wt % of monoaluminum phosphate (MAP).

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The examiner is unable to find basis for the claimed compositions employing a "phosphorous acid solution being about 85 wt % phosphorous acid". The use of phosphorous acid is disclosed at page 10, line 12, without any recitation of concentration. Furthermore, Table 2 at page 19 discloses composition/sample "3982-80A" employing "Std H<sub>3</sub>PO<sub>3</sub>". Composition/sample "3982-80A" nor "Std H<sub>3</sub>PO<sub>3</sub>" are otherwise characterized in the instant specification.

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To the extent the concentration would be inherent to the "Std H<sub>3</sub>PO<sub>3</sub>". documentary evidence, e.g., lab notebooks, in declaration form should be provided to establish inherency of any materials employed in the examples.

# Response to Arguments

4. Applicant's arguments with respect to claim 51 have been considered but are moot in view of the new ground(s) of rejection. Upon further review, the above issue remains.

Furthermore and to the extent the concentration range is deleted from the claim, Waldmann, US 4,566,986, is deemed particularly pertinent. See column 6, lines 26 et seq, wherein flocculating adducts are prepared by way of semi-solid state reaction is concentrated solution form by combination of inorganic salts including among other ferric chloride and aluminum chloride hydrate or mixtures thereof in acid, optionally with a catalyst and/or stabilizer including phosphorous acid are disclosed at column 6, lines 61-62, and column 10, lines 31 et seq, particularly lines 35 and 36. Waldmann teaches phosphorous acid as a stabilizer for the reaction materials having the same utility.

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### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (571) 272-1089. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel S. Metzmaier Primary Examiner

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DSM